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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,792	11/21/2003	David A. Monroe	07-0167	2942
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MOORE LANDREY 1609 SHOAL CREEK BLVD SUITE 100 AUSTIN, TX 78701			TRAORE, FATOUMATA	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>		<b>Application No.</b>	<b>Applicant(s)</b>
10/719,792		MONROE, DAVID A.	
<b>Examiner</b>	<b>Art Unit</b>		
FATOUMATA TRAORE	2436		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 18 December 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-6, 8-11 and 13-40 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-6,8-11 and 13-18 is/are allowed.
- 6) Claim(s) 19-21,25-30,32-35 and 37-40 is/are rejected.
- 7) Claim(s) 22-24, 31, 36 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. This is in response to the amendment filed December 18, 2008. Claims 1-3, 6, 8, 10, 19, 20, 22, 31-34, 36 have been amended. Claims 7 and 12 have been cancelled. Claims 1-6, 8-11 and 13-40 are pending and have been considered below.

#### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: Claim or claims must commence on a separate sheet or electronic page. Where a claim sets forth a plurality of elements or steps, each element or step of claim should be separated by a line indentation. There may be a plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP 608.01(i)-(p).. Appropriate correction is required.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 19-21, 25-30, 32-35 and 37-40 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19-21 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kyle (US 6,853,739) in view of Ray et al (US 6,940,545).

**Claims 19 and 32:** 19. Kyle discloses a surveillance camera adapted to be connected to an internet protocol network, the surveillance camera comprising:

- i. an image collection device, the image collection device being configured to collect image data (*the video engine 32 performs the image capturing, compression and/ or digitization of the image from the live video feed ( column 3, lines 15-60; column 9, lines 25-45; lines 49-56) (column2, lines 55-60; Fig. .4)*;
- ii. at least one analog to digital converter in communication with the image collection device for converting collected image data from analog format to digital format image data (*the video engine 32 performs the image capturing, compression and/ or digitization of the image from the live video feed (column 3, lines 15-60; column 9, lines 25-45; lines 49-56) (column2, lines 55-60; Fig. .4)*;
- iii. at least one compression algorithm embodied in suitable media, the at least one compression algorithm being executable with the digital format image data by the at least one compressor processor, execution of the at least one compression algorithm producing at least one set of compressed image data (*the camera server device 30 then converts each photographic frame into a compressed digital file, such as a JPEG, MPEG, Bitmap or Wavelet file) (column 10, lines 25-30);*

Kyle does not explicitly disclose that the at least one facial processor in communication with the analog to digital converter to receive the digital format image data; at least one facial recognition algorithm embodied in suitable media, the at least one facial recognition algorithm being executable with the digital format image data by the at least one facial processor, execution of the at least one facial recognition algorithm with the digital format image data detecting faces when present in the digital format image data, execution of the at least one facial recognition algorithm producing for each detected face at least one set of unique facial image data; a network stack in communication with the at least one compressor the network stack being configured to transmit to the internet protocol network the at least one set of unique facial image data for each detected face and the network stack being configured to transmit to the internet protocol network the at least one set of compressed image data. However, Ray et al disclose a face-detecting camera, which further discloses that,

- iv. the at least one facial processor in communication with the analog to digital converter to receive the digital format image data (column 4, lines 15-36: Fig. 1, item 90);
- v. at least one facial recognition algorithm embodied in suitable media, the at least one facial recognition algorithm being executable with the digital format image data by the at least one facial processor, execution of the at least one facial recognition algorithm with the digital format image data detecting faces when present in the digital format

image data, execution of the at least one facial recognition algorithm producing for each detected face at least one set of unique facial image data(column 4, line 59 to column 5, line 5);

vi. a network stack in communication with the at least one compressor the network stack being configured to transmit to the internet protocol network the at least one set of unique facial image data for each detected face and the network stack being configured to transmit to the internet protocol network the at least one set of compressed image data (column 4, lin37-45; Fig. 1 item 48)

Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify the teaching of Kyle such as to include a facial processor in the camera in order to execute a facial detection algorithm. The motivation of doing so would have been to improve quality in the capture image as taught by Ryan et al (column 2, lines1-7).

**Claims 20 and 34:** Kyle and Ryan et al disclose a surveillance system having at least one camera adapted to produce an IP signal as in claims 19 and 32 above, and Kyle further discloses a housing, the housing commonly supporting the image collection device, the at least one analog to digital converter, the at least one facial recognition algorithm, the at least one facial processor, the at least one compression algorithm, the at least one compressor, and the internet protocol network stack (*column 8, lines 30-55, Fig. 3 and Fig. 4*).

**Claims, 21 and 35:** Kyle and Ryan et al disclose a surveillance system having at

least one camera adapted to produce an IP signal as in claims 19 and 32 above, and Kyle further discloses that the at least one facial recognition algorithm including at least one facial separation algorithm, the at least one facial separation algorithm when executed producing at least one set of facial separation data, the at least one set of facial image data including the at least one set of facial separation data( *column 11, lines 1-30; column 13, line 30 to column 14, line 4*).

**Claim 33:** Kyle and Ryan et al disclose a surveillance system having at least one camera adapted to produce an IP signal as in claim 32 above, and Kyle further discloses at least one compression algorithm embodied in suitable media, the at least one compression algorithm being executable with the digital format image data by the at least one processor, execution of the at least one compression algorithm producing at least one set of compressed image data (*the camera server device 30 then converts each photographic frame into a compressed digital file, such as a JPEG, MPEG, Bitmap or Wavelet file*) (*column 10, lines 25-30*), the network stack being configured to transmit the at least one set of compressed image data to the internet protocol network (*the camera server device 30 sends the compressed digital files to the requesting central processing server 34 via a TCP/IP protocol or similar network protocol for further processing*) (*column 10, lens 30-37*).

6. . Claims 25, 26, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kyle (US 6,853,739) in view of Ray et al (US 6,940,545) in further view of Peters et al (US 2002/0051061)..

**Claims 25 and 37:** Kyle and Ryan et al disclose a surveillance system having at least one camera adapted to produce an IP signal as in claims 19 and 32 above, and Kyle further discloses a surveillance system having at least one camera adapted to produce an IP signal as in claims 19 and 32 above, but does not explicitly discloses that the at least one set of compressed image data including at least one set of low resolution compressed image data having a respective low resolution and at least one set of high resolution compressed image data having a respective high resolution, the low resolution being less than the high resolution. However, Peters et al discloses an image monitoring system, which further discloses that the camera further comprising: the at least one set of compressed image data including at least one set of low resolution compressed image data having a respective low resolution and at least one set of high resolution compressed image data having a respective high resolution, the low resolution being less than the high resolution (*paragraphs [0005], [0006]*). Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify the teaching of Kyle such as to use a low and resolution compression techniques. The motivation of doing so would have been to minimize the cost of video monitoring.

**Claims 26 and 38:** Kyle and Peters et al disclose a surveillance system having at least one camera adapted to produce an IP signal as in claims 25 and 37 above, and Peters et al further discloses that the at least one set of low resolution compressed image data including MPEG data, the at least one set of high resolution compressed image data including JPEG data (*paragraph [0017]*). Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify the teaching of Kyle such as to use a low and resolution compression techniques. The motivation of doing so would have been to minimize the cost of video monitoring.

7. . Claims 27 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kyle (US 6,853,739) in view of Ray et al (US 6,940,545) in further view of Willis et al (US 6,584,082).

**Claims 27 and 39:** Kyle and Ryan et al disclose a surveillance system having at least one camera adapted to produce an IP signal as in claims 19 and 32 above, and Kyle further discloses a surveillance system having at least one camera adapted to produce an IP signal as in claims 19 and 32 above, but does not explicitly discloses that the network stack transmitting a portion of the at least one set of compressed image data according to multicast protocol. However, Willis et al discloses a system of for transmitting data over satellite, which further discloses that the surveillance camera further comprising: the network stack transmitting a portion of the at least one set of compressed image data according

to multicast protocol (*column 5, lines 1-25*). Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify the teaching of Kyle such as to provide data transmission according to a multicast protocol. The motivation of doing so would have been to reduce the number of transmission across the critical link to one, rather than requiring that multiple transmissions be made for each destination address as taught by Willis et al (column 1, line 67 to column 3, line 2).

8. . Claims 28-30 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kyle (US 6,853,739) in view of Ray et al (US 6,940,545) in further view of Peters et al (US 2002/0051061) and Willis et al (US 6,584,082).

**Claims 28 and 40:** Kyle , Ryan et al and Peters et al disclose a surveillance system having at least one camera adapted to produce an IP signal as in claims 25 and 37 above, while neither of them explicitly discloses that the network stack transmitting the at least one set of low resolution compressed image data according to multicast protocol. However, Willis et al discloses a system of for transmitting data over satellite, which further discloses that the surveillance camera further comprising: the network stack transmitting a portion, of the at least one set of compressed image data according to multicast protocol (*column 5, lines 1-25*). Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify the teaching of Kyle and Peters et al such as to provide data transmission according to a multicast

protocol. The motivation of doing so would have been to reduce the number of transmission across the critical link to one, rather than requiring that multiple transmissions be made for each destination address as taught by Willis et al (column 1, line 67 to column 3, line 2).

**Claim 29** Kyle, Ryan et al, Peters et al and Willis et al disclose a surveillance system having at least one camera adapted to produce an IP signal as in claim 28 above, and Willis et al discloses further discloses that the surveillance camera further comprising: the network stack transmitting a portion of the network stack transmitting the at least one set of high resolution compressed image data according to one of: multicast protocol and unicast protocol (*column 5, lines 1-25*). Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify the teaching of Kyle and Peters et al such as to provide data transmission according to a multicast protocol. The motivation of doing so would have been to reduce the number of transmission across the critical link to one, rather than requiring that multiple transmissions be made for each destination address as taught by Willis et al (column 1, line 67 to column 3, line 2).

**Claim 30:** Kyle, Ryan et al, and Peters et al disclose a surveillance system having at least one camera adapted to produce an IP signal as in claim 25 above, and Peters et al further discloses the network stack transmitting the at least one set of low resolution compressed image data including MPEG data according to multicast protocol, the network stack transmitting the at least one

set of high resolution compressed image data including JPEG data according to one of: multicast protocol and unicast protocol. While neither of them explicitly discloses the use of a unicast or a multicast protocol. However, Willis et al discloses a system of for transmitting data over satellite, which further discloses that the surveillance camera further the use of a multicast and unicast protocol (*column 5, lines 1-25*). Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify the combined teaching of Kyle and Peters et al such as to provide data transmission according to a multicast protocol. The motivation of doing so would have been to reduce the number of transmission across the critical link to one, rather than requiring that multiple transmissions be made for each destination address as taught by Willis et al (*column 1, line 67 to column 3, line 2*).

***Allowable Subject Matter.***

9. Claims 1-6, 8-11 and 13-18 would be allowable if rewritten or amended to overcome the objection, set forth in this Office action
10. Claims 22-24, 31 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fatoumata Traore whose telephone number is (571) 270-1685. The examiner can normally be reached Monday through Thursday from 7:00 a.m. to 4:00 p.m. and every other Friday from 7:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nassar G. Moazzami, can be reached on (571) 272 4195. The fax phone number for Formal or Official faxes to Technology Center 2100 is (571) 273-8300. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 270-2685.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-2100.

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Friday, February 27, 2009

/F. T./

Examiner, Art Unit 2436

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2436